

REMARKS

Claims 1-8 were pending in the present application and new claim 9 is added herein.

Thus claims 1-9 are now pending in the present application. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Applicants note with appreciation acknowledgement of the claim for priority made under section 119 and notice that all certified copies of the priority documents have been received.

Applicants also note the receipt of an initialed copy of form PTO-1449, on which the examiner has indicated consideration by initialing all listed items.

Claims 1-8 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. Although the basis for the rejection is respectfully questioned in the comments below, the claims have been amended to improve the clarity thereof.

The claims are rejected due primarily to an alleged lack of clarity. A rejection under section 112, second paragraph requires that A) claims set forth subject matter applicants regards as the invention; and B) claims particularly point out and distinctly claim the subject matter of the invention. Since A) relies on subjective interpretation, B) necessarily forms the objective basis for a rejection under this paragraph. Item B) requires an inquiry into the definiteness of the claim, e.g. whether the scope of the claim would be clear to a person of ordinary skill in the art (MPEP 2171).

Applicants submit that since the claims would have been clear to one of ordinary skill in the art as written, and since no evidence has been provided to show otherwise, an objection would have been the proper manner to address issues of mere clarity or form. Since the phrase “on the front side of the lower side” in claim 1, refers to common usage for a front or forward portion, as was suggested by the Examiner, the claim would be clearly understandable to one of

ordinary skill as referring to the front side or front or forward portion. With regard to claim 7, the phrase “the substantially intermediate portion” and the subsequent use of “it”, refers to an intermediate portion as was suggested by the Examiner. Thus, the claim would be clearly understandable to one of ordinary skill as referring to the intermediate portion. It is respectfully submitted that the rejection is improper under 35 U.S.C. §112 second paragraph.

Without acknowledging the propriety of the rejection, applicants have amended the claims to improve the clarity thereof. Accordingly claims 1, 3, 5, 6 and 7 have been amended as to matters of form only to address the Examiner’s concerns relating to clarity and not for reasons related to patentability. Thus the scope of claims 1, 3, 5, 6 and 7 has not been narrowed within the meaning defined in Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. 722 (2002).

Claims 1-3 and 7 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Okada et al, U.S. Patent No. 6,439,606, (hereinafter “Okada”). Claim 1 has been amended and the rejection is otherwise respectfully traversed.

Claim 1 is now amended to include that the claimed airbag is housed in a case after first being preliminarily folded, then vertically and horizontally folded. While Okada at best describes an airbag, the applied reference fails to disclose elements, including an airbag housed in a case after first being preliminarily folded, then vertically and horizontally folded.

Accordingly a prima facie case of anticipation has not been established in that the applied reference fails to disclose all the claimed features as required. It is respectfully requested therefore that the rejection of claim 1 be reconsidered and withdrawn.

Claims 2, 3 and 7, by virtue of depending from claim 1, as amended, are believed allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 2, 3 and 7 be reconsidered and withdrawn.

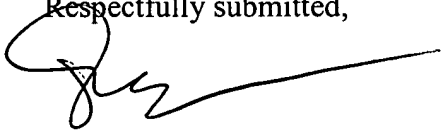
Claims 4-6 and 8 stand rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Okada in view of JP 5-3-5851. The rejection is respectfully traversed.

Claims 4-6 and 8, by virtue of depending from claim 1, as amended, are believed allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 4-6 and 8 be reconsidered and withdrawn.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance and a timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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